

**LEADERSHIP FROM THE OUTSIDE:**  
**Civilianizing Command Structure in Modern Law Enforcement**

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The Command College Futures Study Project is a FUTURES study of a particular emerging issue of relevance to law enforcement. Its purpose is NOT to predict the future; rather, to project a variety of possible scenarios useful for strategic planning in anticipation of the emerging landscape facing policing organizations.

This journal article was created using the futures forecasting process of Command College and its outcomes. Defining the future differs from analyzing the past, because it has not yet happened. In this article, methodologies have been used to discern useful alternatives to enhance the success of planners and leaders in their response to a range of possible future environments.

Managing the future means influencing it—creating, constraining and adapting to emerging trends and events in a way that optimizes the opportunities and minimizes the threats of relevance to the profession.

The views and conclusions expressed in the Command College Futures Project and journal article are those of the author, and are not necessarily those of the CA Commission on Peace Officer Standards and Training (POST).

## **LEADERSHIP FROM THE OUTSIDE:**

### **Civilianizing Command Structure in Modern Law Enforcement**

*It's going to be another hot day in Redwood, CA. Jack Campbell, former US Navy SEAL and the current SWAT commander for Redwood Police Department, rolls his pickup into his designated parking space, hops out and strides quickly across the pavement that's already picking up the heat of the early morning sun. Jack continues across the parking lot and into the building, returning the friendly respectful greetings of the bleary-eyed midnight watch patrolmen headed home. Jack enters his office and snaps on the lights, then slams into his chair for a quick review of the day's schedule. Today is a SWAT training day, and Commander Campbell is determined that, like all his other training days, it will be the best his officers have ever had.*

Jack's early and energetic arrival, as well as the response of the officers he encounters, makes it clear he is a dedicated and respected leader in this police department. What this peek at his day doesn't tell you is he is not a full-time employee, nor is he a sworn officer- and it doesn't show you that he retired from the military after an improvised explosive device ripped off his lower right arm in Afghanistan. His tactical knowledge and skill, coupled with experience under fire, make him a valued asset to this department.

This scenario is not as unlikely as it may sound. History has shown us that effective leaders in law enforcement need not have risen from the ranks. Consider:

- August Vollmer, Chief of Police in Berkeley, CA, had only four years of law enforcement experience before being appointed to that office- and by that time, he was already serving as president of the California Association of Police Chiefs.
- Sir Robert Peel, founder and namesake of London's famous "bobbies" and known internationally as the father of modern policing, was never a law enforcement officer of any kind
- Theodore Roosevelt, New York City Police Commissioner, had no police experience either- yet he instituted sweeping reforms that changed the face of law enforcement and civil service in America for a century to come

As law enforcement agencies around the country look toward a bleak budget future and increased demands to perform at maximum efficiency, innovative practices will be necessary to maintain our degree of service. The civilianization of law enforcement command-level positions would be both productive and cost-effective. Civilianization is an idea that should be examined closely and used by departments looking to save money while maintaining high standards of leadership.

## THE CURRENT CLIMATE

*"Climate is what we want. Weather is what we get." - Robert A. Heinlein*

California has seen a number of fiscal crises come and go since the 70's, with the "dotcom" boom and big budgets of the 1990s giving way to the silicon crash of the early 21<sup>st</sup> century and the housing bubble of 2007. Any number of solutions has been proposed;

any number of villains and heroes exist. Municipalities and their public safety agencies are not unaffected by these recurring downturns in the economy. In fact, one community, the City of Vallejo, has already declared bankruptcy (City of Vallejo website: [www.ci.vallejo.ca.us/GovSite/default.asp?serviceID1=712&Frame=L1](http://www.ci.vallejo.ca.us/GovSite/default.asp?serviceID1=712&Frame=L1)).

Many California agencies, including Redding, San Francisco, and the California Highway Patrol, have slowed or frozen hiring processes. (Redding Record-Searchlight, 12-11-08; The California Chronicle, 12-26-08; <http://ibtimes.com/articles/20081220/schwarzenegger-orders-hiring-freeze-worker-cuts.htm>). It can be safely assumed that many public agencies are now simply waiting and pondering, “What’s next?”

Proposals for the future provide little hope for a quick fix or recovery. In December, 2008, Governor Schwarzenegger proposed furloughs for state workers and ordered “surplus notices” to the bottom 20% in seniority of state workers (“Schwarzenegger orders mass layoffs, unpaid furloughs” McGreevey and Rau, Los Angeles Times, 12-20-08). Cuts in public safety are definitely on the table. In Los Angeles, city administrators ominously noted the tendency to protect the police budget at any cost will have “severe consequences” in other city services (<http://www.latimes.com/news/la-me-labudget18-2008dec18,0,7345569.story>), indicating that support for the police budget may not be limitless. City of Los Angeles Mayor Antonio Villaraigosa has even proposed eliminating firefighter positions (Reston, LA Times 21-11-08), an act of near-sacrilege in Southern California’s fire-prone environment. Just to the north, in Kern County, the bulk of the work of Emergency Medical Services is done by civilian paramedics and EMTs through

contracts with a private company. Law enforcement managers would do well to pay close attention to any willingness to cut positions and civilianize services.

In policing, the issue have been of increasing pay and benefits while service levels create a strain on community expectations. For example, the Bakersfield Police Department Operations Division completed 289,622 calls for service in 2007 as compared to 273,248 in 2006. As services are pared to the bone, agencies must face the fact that short-term problems have long-term effects. Crime analysis, crime scene investigation, and high-tech crimes all require a significant investment in personnel, training, and sometimes expensive software and equipment (The evolution of CyberCrime Inc.

<http://www.iht.com/articles/2008/04/04/technology/cybercrime07.php>). The response of some local entities has, predictably, been to try to cut back on recent raises in salary and benefits.

Retirement benefits for public employees have been blamed for local budget problems (<http://articles.latimes.com/2008/jun/02/local/me-cap2> “California public employee pensions, healthcare a fiscal time bomb”). In San Jose CA, for instance, increases in public safety pay and benefits in the past decade illustrate a scenario played out all over the State. During that time, compensation enhancements either approved by the city council or awarded through binding arbitration include:

- The maximum police and firefighter pension, which in 1996 was 80 percent of salary, rose twice by 2007 to 90 percent.

- A 2007 arbitration award boosted pensions for firefighters who retired before logging the 30 years needed for the maximum pension. Police now are seeking a similar benefit, which their City Manager said would cost the city an additional \$3.38 million a year.
- In 2002, an automatic 3-percent annual pension increase replaced a cost-of-living adjustment that was based on the consumer price index.
- In 2001, the council granted police and firefighters a benefit that pays bonus checks in years the pensions funds exceeded their earnings targets — even though the retirement accounts still aren't flush enough to fully cover projected benefit costs for retirees.
- In 2000, maximum benefits for police and firefighters' surviving family members rose from 37.5 to 42.5 percent of the former employee's salary. The council also hiked medical benefits for retired officers and firefighters in 2000 and 2001.

All told, while police and firefighter staffing increased just 3.4 percent in the past decade, the city's costs for their pensions have risen 167 percent, to \$62.7 million this year.

As in other industries, the time has come to consider the unconventional step of seeking leaders who do not necessarily fit the traditional mold. This would not only address the cost and fiscal issues, but also the need to place the best person possible into critical positions in public safety agencies.

## THE CASE FOR CHANGE

The need for cost savings and the need for experienced senior managers are clear. Are there benefits, though, to using sworn personnel in senior management positions? In law enforcement, the answer is, "It depends."

According to the article posted with the National Criminal Justice Reference service, managers in policing have been drawn from non-sworn positions for such areas as administrative services, communications, and records management for many years.

Rarely, though, do these positions rise to the level of command staff, and the non-sworn manager is frequently overseen by a sworn manager, not the chief executive (The Privatization and Civilianization of Policing.

[http://www.ncjrs.gov/criminal\\_justice2000/vol\\_2/02c2.pdf](http://www.ncjrs.gov/criminal_justice2000/vol_2/02c2.pdf)). The break with conventional wisdom is not merely the use of civilian managers, but the appointment of qualified civilians to oversee police operations of all sorts.

For those uneasy at the very thought of such a situation, we needn't look far for an example of such a system already in place. The same military from which we take most of our rank and command structure has followed a "line and staff" split system for many years. Simply put, a line officer is one who is qualified or designated to command combat units- the units most directly involved in completing the primary mission (U.S. Department of Defense, <http://www.defenselink.mil/>). A staff officer specializes in a certain area of expertise, such as medicine, law, or accounting, and is qualified to



command units within that specialty but not otherwise. The command structure of a large combat organization usually includes several departments led by staff officers.

The military relies on this system because no one is more familiar with the limitations and needs of a specialty than one who has served in that area. Effective use of the staff command system requires that those who oversee a critical component of an organization are experts in that field, not merely two-year ticket-punchers on a path to promotion.

Overlaying a “cop filter” on every thing the chief executive sees and hears is an unnecessary obstacle to good executive decisions.

### **Case Study**

An excellent case study of retaining a qualified manager from outside the policing profession is the experience of the Los Angeles Police Department when its Chief did just that. In 2003, LAPD Police Chief William Bratton brought in John Miller, a former TV news reporter (and-more importantly, Bratton’s aide at the New York Police Department) as the LAPD’s civilian manager for Homeland Security.

Miller at one time oversaw LAPD’s Bomb, Intelligence, and Major Crimes Units. He seems to have been an effective leader overall. Los Angeles City Councilman Jack Weiss said “He (Miller) and Bratton have greatly improved LAPD relations with federal law enforcement in counter-terrorism, and the whole name of the game is trust. He built that trust.” (<http://articles.latimes.com/2005/aug/04/local/me-miller4>) Miller also oversaw implementation of LAPD’s “Archangel” computer system, an assets-protection program later copied and implemented by the State of California’s Office of Homeland Security.

Miller's tenure was not without issues, however. In 2004, he tried to bring a loaded gun on a plane, a violation of federal law. (<http://articles.latimes.com/2005/aug/04/local/me-miller4>) As a result of the adverse publicity, Miller quickly turned in his department-issued gun, (<http://www.signonsandiego.com/news/state/20041016-0231-ca-baggagegun.html>) but Bratton had to admit the gun incident was "embarrassing" for the department. The time Miller was with LAPD was generally successful, though, and he left in 2005 to join the FBI as Assistant Director, Office of Public Affairs (<http://www.fbi.gov/libref/executives/miller.htm>).

LAPD's experience with civilian executive managers may point out some of the hidden dangers for the rest of law enforcement. Miller's mishap at LAX was an inexcusable failure for someone who was in charge of the City's counter-terrorism program. If he had been thoroughly schooled in such matters before taking his position with LAPD, he might have avoided the embarrassment. A wise executive will ensure that boundaries are set, and the trappings of police work are not handed out unnecessarily. Managers brought in from other disciplines must be properly prepared in the highest-liability areas of law enforcement, long known to include driving and use of deadly force. An employment agreement for a civilian manager might even include the same language as an informant's contract, *"I am not a police officer, and I will not act as one..."* By making it clear to all involved that the civilian manager is not just "playing cop," but a trusted professional working in his own specialty, the management team will generate respect both for and from the line officers. Since no one is more important to the success of a manager than the line worker, his cooperation and support is crucial to the success of such programs.

### Cost-Benefit

As with so many other issues in public service, the first question asked is not, “How much good will it do?” or “What are the long-term effects?”, but “How much will it cost?” The initial impulse in assessing the cost of a police manager is to simply add salary and benefits together. This, unfortunately, does not complete the picture.

Safety employees by their very nature cost more in insurance, training, and legal costs than almost any other employee. From the cost of the bullets they fire at the pistol range to the increased liability insurance premium because they drive emergency vehicles, safety employees simply cost more. Any attempt to compare the cost of sworn and non-sworn workers must include these hidden costs. It is extremely difficult to estimate cost savings with any certainty when so many variables exist, but it can be demonstrated that at least some degree of savings is likely in almost every instance.

Using the City of Bakersfield as an example, a comparison between Communications Operations Supervisor to Police Sergeant is illustrated.

<b>Communications Supervisor (Non-Sworn)</b>	<b>Police Sergeant</b>																				
<b>Job Description</b> Under general supervision, supervises all aspects of the Police Communications Center and Computer Data Control Unit; assists in planning, organizing, and coordinating the activities of the Police Communications Center and the Computer Data Control Unit. Retirement 3% @ 60 formula.	<b>Job Description</b> Under general supervision performs work of considerable difficulty including general and specialized supervisory police work in field and office involving responsibility for supervision and assistance in the management of police patrol, traffic regulation, criminal investigation, fugitive transportation, and control in the field and the performance of related administrative duties at police headquarters; and performs other work as required. Retirement 3% @ 50 formula.																				
<b>Cost Breakdown</b> <table> <tr> <td>Salary + Benefits</td><td>\$84,144.00</td></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> <tr> <td><b>TOTAL</b></td><td><b>\$84,144.00</b></td></tr> </table>	Salary + Benefits	\$84,144.00							<b>TOTAL</b>	<b>\$84,144.00</b>	<b>Cost Breakdown</b> <table> <tr> <td>Salary + Benefits</td><td>\$86,619.00</td></tr> <tr> <td>Education Pay (10%)</td><td>\$8,661.90</td></tr> <tr> <td></td><td></td></tr> <tr> <td></td><td></td></tr> <tr> <td><b>TOTAL</b></td><td><b>\$95,280.90</b></td></tr> </table>	Salary + Benefits	\$86,619.00	Education Pay (10%)	\$8,661.90					<b>TOTAL</b>	<b>\$95,280.90</b>
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(<http://agency.governmentjobs.com/bakersfield/default.cfm?action=agencyspecs>)

On the surface this comparison appears to be about \$11,000 annually. The costs rise as the Sergeant retires at 50 years of age and receives 99% of her salary (\$94,327 for life), and a new police officer is hired at the bottom : \$61,345.44 annually, while the Communications Operations Supervisor continues to work for an additional ten years at the current rate.

The effect on salary by the use of non-sworn personnel is perhaps the most widely changing variable in this area of discussion. A single-area specialist such as records, property, or fleet management would be significantly cheaper than a using a sworn officer; that's why many departments already do so. However, when considering the use of non-sworn managers for command-level positions, salary variations may be much smaller. Given the salaries and perks in most management positions in the business world, it might be necessary to offer a salary similar to the sworn officer to attract a likely candidate.

Retirement contributions will also be lower for non-sworn employees, as the 3 @ 50 formula will not apply and the employee's contribution may be negotiable depending on the job required. Benefit packages must likewise be tailored to the individual to realize full savings, as managers retired from other fields may have full benefits, mediocre benefits, or none at all. This makes such an employee more trouble to select and hire than the standard civil servant, but it is exactly what the private sector does with every manager.

#### Advantages/ Disadvantages

Other issues, of a more subjective nature, also exist. These must also be considered in deciding whether or not a non-sworn command officer would be appropriate.

The best reasons for having a "real cop" at the top are experience and ability. No amount of civilian experience can replace the actual understanding that comes with doing the job.

One thing that few career law enforcement officers will consider, however, is that the insular nature of police work also has an effect, and it may not always be positive. The “outsider’s” view on law enforcement may provide the perspective necessary to assist in bridging the gap with the community on which we depend.

In addition to the isolation of law enforcement itself, we tend to throw up barriers even within the profession. The career path of almost all law enforcement managers is “up through the ranks,” and the exclusive use of “home-grown” managers has a number of useful aspects- loyalty, consistency, and system integrity, to name a few. However, this can also result in managerial inbreeding, where an agency’s management style perpetuates itself and takes on a life its own. This contributes to the competition and lack of communication between agencies that many officers decry today. More openness to civilian command staff would result in a greater diffusion of ideas as senior staff transfer in from other agencies as well as from the private sector and the military.

Aside from the cost in dollars, which can be estimated, there is an intangible loss to police service in early retirement. The average age of retirement for males in the public sector in 2000 was 63.6 years; for females it was 62.4

(<http://www.bls.gov/opub/mlr/2001/12/comntry.pdf>). Police executives under a 3@50 formula typically retire before age 55. This leads to an experience gap that can be substantial, especially since-by the nature of police work- the executive may have only spent the last ten years or so in a management position. The typical chief executive of a law enforcement agency must contend with experienced politicians, businessmen, and

administrators, some of whom have spent their entire careers in executive positions.

Thus, just when a cop's managerial abilities are most critical- and just when he's getting good at it- he leaves his profession.

Finally, the potential for greater breadth of experience also brings the opportunity to select for greater depth of knowledge. A twenty-year cop may be placed in charge of the Communications Division or selected for a computer project and do a good job- but a twenty-year Communications or IT person would be better suited. Nor do these candidates have to be "cop/ not cop." A system of non-sworn management allows a chief executive to select a two-year officer as his IT Manager if that person has the right combination of skills and education without waiting for a twenty-year cop to work his way through the ranks and get them. Certain limitations must be accepted in major changes in management, and the assumption that a good cop is good enough for anything else must be challenged. As anyone who has ever owned a Swiss Army knife can tell you, just because it can be used as a screwdriver doesn't mean it's as good as a real one.

## CONCLUSION

Public confidence is always an issue with law enforcement agencies, as well it should be. Any move to civilian management should be addressed with the public, and efforts made to explain the motivation for such changes. This affords the opportunity to "let the sun shine in" and address some of the public's cynicism toward police by emphasizing the civilian aspect of the department's leadership and the administration's dedication to doing what is best for the public.

Where authority to continue a practice lies solely with those who initiated it, momentum can often overcome common sense. Thus, strict controls, effective evaluation, and accountability for progress are critical not only to achieve success, but also to call an end to projects and processes that are no longer useful.

Such is the case in establishing civilian command of a law enforcement agency. Civilian oversight works well in any number of agencies in this country- indeed, it works for the country itself. The key to effective transition management will not be merely “making it happen,” but constantly re-affirming that “it *should* happen.” In this way, the agency and the community it serves will best be served by a command staff that it is open not just to its chosen course, but the best course of action.